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10 Attorneys for Plaintiffs and Counter-Defendants

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 SERENDIP LLC & WENDY
15 CARLOS,

16 Plaintiffs,

17 v.

18 WARNER BROS. ENTERTAINMENT
19 INC.,

20 Defendant.

21
22 WARNER BROS. ENTERTAINMENT
23 INC.,

Counter-Claimant,

24 v.

25 SERENDIP LLC & WENDY
26 CARLOS,

27 Counter-Defendants.
28

CASE NO. CV 08-07739 RGK (RCx)

The Honorable R. Gary Klausner

**DECLARATION BY
FREDERICK H. COHN
IN SUPPORT OF STIPULATION
REQUESTING RESETTING DATE
OF SCHEDULING CONFERENCE**

Presently set for:

DATE: May 11, 2009

TIME: 9:00 a.m.

**PLACE: Courtroom 850
255 E. Temple St.
Los Angeles, CA**

1 I, Frederick H. Cohn, declare as follows:

- 2 1. I am the lead trial counsel for Plaintiffs and Counter-Defendants
3 Serendip LLC and Wendy Carlos.
- 4 2. I make this declaration in support of the Stipulation, dated April 20,
5 2009, requesting this Court to reset the date of the scheduling
6 conference.
- 7 3. This Court has previously set May 11, 2009 for the scheduling
8 conference, and as a lead trial counsel, my appearance is required.
- 9 4. I was notified on April 6, 2009 that a trial for which I must appear in
10 New York, which was originally scheduled for April 28, 2009, has
11 been rescheduled to start on May 4, 2009, and as the trial is expected
12 to last more than one week, I will be unable to be present at the
13 scheduling conference on May 11, 2009.
- 14 5. After conferring with opposing counsel in this matter, counsel have
15 determined that June 8, 2009 is the next possible date that all counsel
16 may be present for the scheduling conference.
- 17 6. Counsel conducted the required Rule 26(f) early meeting of counsel
18 on April 20, 2009.
- 19 7. This request supercedes the previous stipulation filed on April 10,
20 2009, to reset the scheduling conference for June 8, 2009, as some of
21 the terms therein are no longer applicable, and the Court has yet to
22 act upon it. No other request for a continuance has been made.
- 23 8. I respectfully request that this Court reset the scheduling conference
24 for June 8, 2009.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 DATED: April 20, 2009

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28 Frederick H. Cohn